

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

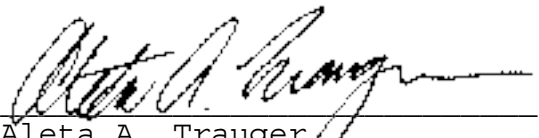
ESAD MUHELJIC]	
Petitioner,]	
]	
v.]	No. 3:10-1101
]	Judge Trauger
TENNESSEE BOARD OF PROBATION]	
AND PAROLE]	
Respondent.]	

O R D E R

In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent's Motion to Dismiss (Docket Entry No.13). Therefore, the Motion is GRANTED and this action is hereby DISMISSED without prejudice to the petitioner's right to pursue any available state court remedies.

Should the petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, Rule 22(b), Fed.R.App.P., which will not issue because the petitioner has failed to plead the exhaustion of all available state court remedies.

It is so ORDERED.


Aleta A. Trauger
United States District Judge